

**Senate File 2190 - Introduced**

SENATE FILE 2190  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2019)

**A BILL FOR**

1 An Act requiring rulemaking for the use of restraints against  
2 a pregnant inmate or detainee, and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. LEGISLATIVE FINDINGS. The general assembly  
2 finds all of the following:

3     1. There are serious known medical risks associated with  
4 the use of restraints on pregnant women, and such use is not an  
5 accepted practice on a nationwide basis.

6     2. The vast majority of female inmates or detainees in this  
7 state are nonviolent offenders.

8     3. Restraining pregnant prison inmates increases the  
9 potential for physical harm from an accidental trip or fall.

10    4. Freedom from physical restraints is especially critical  
11 during labor, delivery, and postpartum recovery after delivery,  
12 because a woman often needs to move around during labor and  
13 recovery.

14    5. Restraints on a pregnant woman can interfere with the  
15 ability of medical staff to appropriately assist in childbirth  
16 or to conduct sudden emergency procedures.

17    Sec. 2. NEW SECTION. 904.1001 Report of use of restraints  
18 — pregnant inmates and detainees.

19    The department of corrections, in conjunction with the  
20 other entities supervising inmates and detainees in the state,  
21 shall file a report with the general assembly by August 1 of  
22 each fiscal year, detailing every instance in which restraints  
23 were used on a pregnant inmate or detainee pursuant to this  
24 division. The report shall not contain personal identifying  
25 information of any inmate or detainee.

26    Sec. 3. NEW SECTION. 904.1002 Pregnant inmates and  
27 detainees — rulemaking regarding use of restraints.

28    1. The department of corrections, in conjunction with other  
29 entities supervising inmates and detainees in the state, and  
30 after reviewing the most current accepted medical practices  
31 and standards relating to pregnant women, shall commence  
32 rulemaking for the implementation and administration of the use  
33 of restraints on pregnant inmates and detainees within sixty  
34 days of the effective date of this Act. The department shall  
35 not adopt emergency rules under section 17A.4, subsection 3,



1 detainees, to commence rulemaking for the implementation and  
2 administration of the use of restraints on pregnant inmates or  
3 detainees. The bill prohibits the department of corrections  
4 from adopting emergency rules.

5 The bill specifies that the rules shall apply to pregnant  
6 inmates or detainees at correctional facilities, county jails,  
7 and municipal holding facilities. The rules must provide that  
8 restraints be used in the least restrictive manner.

9 The rules under the bill require that the circumstances  
10 surrounding the use of the restraints are to be identified with  
11 each use and that the use of restraints on a pregnant inmate  
12 or detainee during labor, childbirth, and postpartum, shall be  
13 limited to: when an individualized determination has been made  
14 that an inmate or detainee poses a serious threat to oneself,  
15 staff, or others at the time restraints are used, or when the  
16 inmate or detainee poses an immediate and credible risk of  
17 escape.

18 The bill takes effect upon enactment.